

**ENTERED**

August 03, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MICHAEL J ALBERT,

Plaintiff,

VS.

U.S. BANK NATIONAL ASSOCIATION  
and  
PHH MORTGAGE CORPORATION,

Defendants.

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CIVIL ACTION NO. 4:20-CV-1457

**ORDER**

Before the Court is the defendants', U. S. Bank National Association and PHH Mortgage Corporation, motion for contempt concerning the respondent, Esther Montoya Zapata, who is reflected as the notary that notarized the plaintiff's, Michael J. Albert, signature on two of the defendants' documents, *i.e.*, a Texas Home Equity Security Instrument [Defendant's Exhibit One] and a Texas Home Equity Affidavit and Agreement [Defendant's Exhibit Two].

The respondent identified her signature on both documents and further testified that the notary process required her to obtain the affiant's driver's license in order to establish the identity of the person executing the documents and that her practice is to always verify; only she uses her seal to notarized documents under her signature; her signature appears on documents, Exhibits One and Two as the notary; and, at the time that she notarized the signature of Michael J. Albert, verified by driver's license, that he was Michael J. Albert. At the time, she was working with Partners Title Company.

Based on the Court appearance and testimony of Esther Montoya Zapata, the Court determines that the motion for contempt should be WITHDRAWN.

It is so Ordered.

SIGNED on this 2<sup>nd</sup> day of August, 2021.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge